

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
March 16, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, March 16, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. The Invocation was given by Greg Davy of the York County Public Information Office.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

**HIGHWAY MATTERS**

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters with the Board of Supervisors. He stated he was still receiving complaints concerning drainage problems, and he reiterated that due to VDOT's loss of money and manpower, those issues would have to be put on hold.

Mr. Zarembo mentioned that he would like to complete his tour of District 1 with Mr. Hicks. He asked if Mr. Hicks had contacted Mr. Carter concerning the area on Penniman Road in need of surface treatment. He also mentioned his concerns over a rash of accidents at the intersection of Mooretown and Lightfoot Roads, and he asked Mr. Hicks to check into the matter.

Mr. Hicks stated he has been in touch with Mr. Carter, and he will see about putting some type of surface down. He referenced the funding required for a hard surface versus the usage, but agreed it is in need of some additional stone. He offered to begin a traffic study for the intersections mentioned.

Mr. Bowman thanked Mr. Hicks for his ride through his district and asked for an update of the paving of Seaford Road.

Mr. Hicks explained the work was going to begin this week, but the temperature has been too cold. The paving will take place between April and June.

Chairman Shepperd expressed appreciation for VDOT's widening of the Victory Boulevard and Route 17 intersection. He stated he is still receiving many calls about drainage issues, and he suggested a plan be developed for citizen empowerment, perhaps allowing citizens to install pipes in ditches to alleviate some of the problems. He asked Mr. Hicks to discuss those possibilities at the next meeting.

Mr. Hicks stated he is open and welcome to any community participation. He explained there is a science behind drainage corrections that requires engineers to be consulted when working in VDOT's right-of-way, and all work must conform to code.

Chairman Shepperd stated he would contact Mr. Hicks to further discuss the options and possibilities. He asked if he had any information on the ditch issue on Victory Boulevard that was mentioned at the previous meeting.

Mr. Hicks stated it would be close to April 1 when the ditch work would be addressed.

## **PRESENTATIONS**

### **YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Shepperd introduced and welcomed newly appointed members to the following Boards and Commissions:

Robert L. Murray, Jr.  
Harvey E. Weinstein  
Rhonda Chase  
Ronald F. DoBias

Historic Yorktown Design Committee  
Historic Yorktown Design Committee  
Beautification Committee  
Senior Center Board

### **VIDEO SERVICES BOARD**

Mrs. Anne Smith, Director of Community Services, provided the annual report of the York County Video Services Board. Mrs. Smith explained that the Video Services Board was a prime example of how York County government and York County Schools are working together to provide high quality services to the citizens of the County. Mrs. Smith stated that during the past year Video Services produced 208 hours of locally produced programming, including such programs as York News, County Courier, and specialized programming for the schools. They also produced over 1,700 new bulletin board messages, 700 videotape dubs, and the graphics for the Sights and Sounds room. She stated the 2004 upgrades would complete the studio upgrades, including technical support and new programming.

Mr. Zaremba expressed concern regarding the audio/video quality from the East Room.

Mr. Randy Williford, Video Services Manager, stated he was aware of the problems mentioned and is working on corrections.

### **ATHLETIC FIELD UPDATE**

Mr. Brian Fuller, Department of Parks and Recreation, provided the Board with a report of the County's athletic fields and an update of field projections through year 2015. The report included an inventory of each field, the average hours of use per field, data on school age population, field scheduling, adult softball, and possible land acquisitions. The study concluded that the athletic programs have maximized the capacity levels during peak times for each sport's season of play and that at times it is impossible to grant any additional requests for field usage at all. Mr. Fuller then offered several recommendations on how to achieve the best use of the athletic fields.

Mr. Burgett questioned the arrangement with Grafton High/Middle School and whether or not the school was holding up its end of the bargain.

Mr. Fuller stated the school was living up to the contract, but the complex is controlled by the high school. According to the agreement, the entire complex is one that is not scheduled by Parks and Recreation.

Mr. Burgett asked if the County had an agreement with all the middle schools, and if a hardship was being created on the youth activity programs. He suggested the school let the County use at least two of the fields. He stated he felt there needed to be a different arrangement made for use of the school fields.

Mrs. Noll stated that Grafton was created for community use, but now the County is told those particular fields are unique because they're managed by the high school. She expressed her surprise that the County was allowing the school to back operate that way. Mrs. Noll mentioned the parking problems during the field use and asked if it would be economically feasible to add more parking. She asked Mr. McReynolds to look into these matters further.

Discussion ensued over field use and parking options.

Chairman Shepperd then asked for the status of the property near the Newport News watershed.

Mr. McReynolds stated discussions with the City Manager are still ongoing, and discussions with City Council should take place soon.

### **CITIZENS COMMENT PERIOD**

Mr. David Brown, 213 Nelson Street, spoke against the Historic Guidelines for the Yorktown Village. He stated the citizens of the village were not in favor of the guidelines, and the ordinance does not cover any historic buildings or properties. He commented that the ordinance would only result in discord and unfriendly feelings among neighbors. He pointed out that the people selected to serve on the board have no history in Yorktown.

Mr. Tim Meyers, 1000 Back Creek Road, addressed the Board on the updated real estate assessments and shared concerns that the properties did not appear to be equally assessed. As a real estate agent, he explained that low interest rates had led to the sale of property in Yorktown at higher rates and values. He cited examples of assessments versus sales amounts and explained that the supply and demand market had driven the prices upward.

Mr. Reggie Tucker, Moore House Road, also addressed real estate assessment concerns regarding inconsistencies and the non-uniformity of the assessments. He mentioned the irregularity in which properties were assessed, and he suggested the Board take a closer look at how the assessments were performed.

Mr. Steve Roth, 314 Patriot Way, a member of York County Little League, stated the League supports Parks and Recreation and using the high school fields. He explained that any use of the high school's fields would help them tremendously. He mentioned that Little League is a volunteer program, and the limited field use has caused many problems.

Meeting Recessed: At 7:52 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened: At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

### **PUBLIC HEARINGS**

#### **TRANSPORTATION ENHACEMENT PROGRAM APPLICATION**

Mr. Maurice Laurier, representative of the Watermen's Museum, gave a presentation on proposed Resolution R04-43 to endorse the Watermen's Museum's application for Transportation Enhancement Funding for the construction of new pier facilities, new support facilities, and new exhibit and interpretive facilities. He explained that the total project amount is \$650,000, of which the actual grant is \$500,000. The matching funds from the museum would be \$120,000. He then summarized each of the nine steps necessary for the completion of the project that will enhance the Riverwalk development.

Chairman Shepperd referred to the grant application and the anticipated funding of \$50,000 from the Watermen's Museum and \$100,000 from York County. He indicated the Board's

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support this evening would be to endorse the application only and not to allocate the \$100,000.

Mr. Laurier explained that it was a separate grant that had nothing to do with the matching funds.

Chairman Shepperd called to order a public hearing on proposed Resolution R04-43 that was duly advertised as required by law and is entitled:

A RESOLUTION TO ENDORSE THE REQUEST OF THE WATERMEN'S  
MUSEUM FOR FUNDING THROUGH THE VIRGINIA TRANSPORTATION  
ENHANCEMENT PROGRAM FOR CONSTRUCTION OF CERTAIN IM-  
PROVEMENTS TO THE WATERMEN'S MUSEUM PIER, BUILDINGS AND  
FACILITIES

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mr. McReynolds stated the County had traditionally provided tourism funding to tourism-related agencies out of the tourism or lodging tax funds that must be used for tourism purposes. He explained that the Watermen's Museum had submitted a request to the County for \$100,000 in funding from those funds. He specified that no commitments to the Watermen's Museum had been made and that this action does not commit the Board in any way to fund that request. He further explained that in order for the application to be forwarded to the Commonwealth Transportation Board, the County is required to endorse the application.

Mr. Zaremba asked for a confirmation from the County Attorney that this is only an endorsement for the application and not the actual funding.

Mr. Barnett advised that the resolution did not contain any language stating the County would provide any funding. He then suggested that language be added to clarify the anticipation of the funding.

Discussion ensued over the necessary language to clarify the County's position.

Mr. Carter explained that the application states that the Museum board feels some other funding may be coming to the project, but they are not claiming it as their match.

Chairman Shepperd pointed out that he was comfortable with the language in the resolution that states that the County is endorsing the museum's request.

Mr. Barnett then suggested the appropriate language in the last paragraph of the resolution: ". . . with no commitment, however, for grants from the County shown in the application as applied for or pending."

Mrs. Noll then moved the adoption of proposed Resolution R04-43(R) that reads:

A RESOLUTION TO ENDORSE THE REQUEST OF THE WATERMEN'S  
MUSEUM FOR FUNDING THROUGH THE VIRGINIA TRANSPORTATION  
ENHANCEMENT PROGRAM FOR CONSTRUCTION OF CERTAIN IM-  
PROVEMENTS TO THE WATERMEN'S MUSEUM PIER, BUILDINGS AND  
FACILITIES

WHEREAS, the Watermen's Museum has developed a grant request for funding through the Transportation Enhancements Program administered by the Commonwealth Transportation Board and the Virginia Department of Transportation; and

WHEREAS, the Museum's project request includes proposed improvements to its buildings and facilities as well as construction of a pier to provide water access for educational and other programs offered in conjunction with the Museum's operations; and

WHEREAS, the Yorktown Master Plan, adopted on March 4, 1993, subsequent to public hearing, proposes various improvements along the Yorktown waterfront including the construction of a Riverwalk along the York River; and

WHEREAS, the Riverwalk, which is being partially funded through a Transportation Enhancement Grant awarded to York County, will be routed along the Watermen's Museum shoreline and will be complemented and enhanced by the improvements that the Watermen's Museum is proposing; and

WHEREAS, the Transportation Enhancement Program guidelines require that project requests developed by organizations such as the Watermen's Museum must be endorsed by the local governing body; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this request;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of March, 2004, that it hereby endorses the request of the Watermen's Museum for funding in the amount of \$520,000 from the Transportation Enhancement Program for the Watermen's Museum Expansion and Improvement Project, with no commitment, however, for grants from the County shown in the application as applied for or pending.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Bowman, Burgett, Shepperd
Nay:	(0)	

#### TAX EXEMPTION FOR CERTAIN REHABILITATED OR RENOVATED COMMERCIAL OR INDUSTRIAL STRUCTURES

Mr. Carter gave a presentation on proposed Ordinance No. 04-4(R) to add a section to Chapter 21 of the York County Code to provide for the partial exemption for certain rehabilitated or renovated commercial or industrial structures. He elaborated on the program and its benefits, and recommended adoption of proposed Ordinance No. 04-4(R).

Mrs. Noll noted that according to the ordinance the rehabilitation must be completed in 18 months, and she asked why such a long time period.

Mr. Carter explained that the 18 months provided time for the plan review, plan development, and the review implementation process, as well as time for unanticipated delays.

Mr. Bowman asked if the word "assessed" was supposed to be removed from the proposal.

Mr. Barnett verified that the word "assessed" should have been removed throughout the document.

Mr. Zaremba voiced concerns over the possible lack of motivation from the business community. He suggested expanding this program to other areas of the County.

Mrs. Noll explained this was a pilot program, and she suggested the Board wait and see how successful it would be for Route 17 businesses.

Chairman Shepperd called to order a public hearing on proposed Ordinance No. 04-4(R-1) which was duly advertised as required by law and is entitled:

AN ORDINANCE TO ADD SECTION 21-7.8 TO CHAPTER 21, TAXATION, OF THE YORK COUNTY CODE, TO PROVIDE FOR THE PARTIAL EXEMPTION FOR CERTAIN REHABILITATED OR RENOVATED COMMERCIAL OR INDUSTRIAL STRUCTURES

There being no one present who wished to speak concerning the subject Ordinance, Chairman Shepperd closed the public hearing.

Mr. Burgett then moved the adoption of proposed Ordinance R04-4(R-1) that reads:

AN ORDINANCE TO ADD SECTION 21-7.8 TO CHAPTER 21, TAXATION, OF THE YORK COUNTY CODE, TO PROVIDE FOR THE PARTIAL EXEMPTION FOR CERTAIN REHABILITATED OR RENOVATED COMMERCIAL OR INDUSTRIAL STRUCTURES

BE IT ORDAINED by the York County Board of Supervisors, this 16th day of March, 2004, that section 21-7.8, York County Code, be and it is hereby added to read and provide as follows:

**Sec. 21-7.8 Partial exemption for certain rehabilitated or renovated commercial or industrial structures.**

- (a) Real estate located within the district described below and on which any structure or other improvement no less than twenty years of age has undergone substantial rehabilitation, or renovation (hereinafter, "rehabilitation") for commercial or industrial use, shall be entitled to a partial exemption from the tax on real property, subject to the following terms and conditions. The complete demolition of a structure and its replacement by a new structure shall not constitute "rehabilitation" and shall not qualify for the partial exemption.
- (b) Real estate shall be deemed to have been "substantially" rehabilitated when it has been so improved as to increase the value of the structure by no less than 25 percent (25%) of its value prior to the rehabilitation.
- (c) The partial exemption shall equal the amount of the difference in the value of the commercial or industrial structure immediately before rehabilitation and immediately after rehabilitation as determined by the county tax assessor, not to exceed however \$500,000 in increased value as so determined. The exemption shall commence upon completion of the rehabilitation, and shall run with the real estate for a period of five years, or until such time as the structure may be demolished, if sooner.
- (d) Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided herein.
- (e) To be qualified for this partial exemption, the subject real estate must:
  - (1) be located at least partly within an area the boundaries of which shall be defined as lines located 1,000 feet from the centerline of the right-of-way of Rte. 17 (George Washington Memorial Highway) in the County, and the structure which has been rehabilitated must likewise be located within the boundaries of such area, and
  - (2) be improved without increasing the total square footage of the structure by more than one hundred percent (100%).
- (f) The owner of any real estate meeting the criteria set forth in this section must apply to the county tax assessor for the partial exemption, on forms provided by the assessor, prior to the beginning of the rehabilitation. A fee of \$20.00 shall be paid by the owner to the assessor for processing such application. Following submission of the application, the assessor shall cause the fair market value of the structure to be determined as of the date of the application, utilizing customary methods for determining the value of real estate. Such value shall be used to determine whether the rehabilitation results in a substantial renovation as described in subsection (b), above.

- (g) An application (or renewed application) for a partial exemption shall expire 18 months after approval of the application unless all contemplated improvements shall have been completed. Thereafter, the owner may renew his application upon payment of such application fee as may then be applicable. Upon an application for renewal, the assessor shall determine the value, as of the date of the renewal application, of the structure as unrehabilitated, and the application shall be conditioned upon an increase in the value of the structure over the value as of the date of the application for the renewal.
- (h) In order for the partial exemption for a structure to remain in effect, the structure shall be maintained in compliance with the Uniform Statewide Building Code, including so much of the building maintenance provisions as the County may elect to enact. If, after receiving notice of a violation of this section, the owner of the property fails or refuses to complete the necessary corrections within the time required for such action, or refuses access to the property by inspectors for the purpose of determining continued eligibility under this section, then such eligibility shall terminate.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
 Nay: (0)

APPLICATION NO. UP-631-04, LORETTA H. QUESENBERRY

Mr. Carter gave a presentation on Application No. UP-631-04 to approve a special use permit authorizing the establishment of a nail salon as a home occupation within a single-family detached dwelling located at 371 East Rochambeau Drive. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R04-30.

Chairman Shepperd called to order a public hearing on Application UP-631-04 that was duly advertised as required by law. Proposed Resolution R04-30 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SHOP (NAIL SALON) AS A HOME OCCUPATION AT 371 EAST ROCHAMBEAU DRIVE (ROUTE F-137)

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R04-30 that reads:

RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SHOP (NAIL SALON) AS A HOME OCCUPATION AT 371 EAST ROCHAMBEAU DRIVE (ROUTE F-137).

WHEREAS, Loretta Quesenberry has submitted Application No. UP-631-04 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop (nail salon) as a home occupation within a single-family detached dwelling on a 1.0-acre parcel of land located at 371 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 5A-3-20; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

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WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16<sup>th</sup> day of March, 2004, that Application No. UP-631-04 be, and is hereby, approved to authorize the establishment of a beauty shop (nail salon) as a home occupation within a single-family detached dwelling on a 1.0-acre parcel of land located at 371 East Rochambeau Drive and further identified as Assessor's Parcel No. 5A-3-20, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop (nail salon) as a home occupation within a single-family detached dwelling on a 1.0-acre parcel of land located at 371 East Rochambeau Drive and further identified as Assessor's Parcel No. 5A-3-20.
2. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
3. The conduct of such home occupation shall be limited to the existing 135-square foot room within the dwelling as indicated on the applicant's survey plat, titled "Plat of Survey, Lot 20, W.L. Schenck Estate for Conveyance to Richard Alan & Loretta H. Quesenberry, York County, VA," dated June 26, 1996, revised 6/27/96 and received by the Planning Division on December 18, 2003.
4. Disposal and storage of all chemicals associated with the home occupation that are defined as hazardous waste pursuant to Virginia Hazardous Waste Management regulations shall be in compliance with the Virginia Administrative Code, Virginia Waste Management Board (Agency 20), Chapter 60, Section 12 et. Seq.
5. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
6. The days and hours of operation shall be limited to Monday through Friday from 5:30 PM to 8:00 PM and Saturday from 10:00 AM to 3:00 PM.
7. No more than one (1) customer at any one time shall be served within the applicant's home.
8. Retail sales on the premises shall be limited to incidental sales of nail care products.
9. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd  
Nay: (0)

SKIMINO HILLS SEWER PROJECT



Mr. Barnett gave a brief presentation on proposed Resolution R04-42 to declare the intent of the Board of Supervisors to enter and take necessary easements pertaining to the Skimino Hills sewer project.

Chairman Shepperd called to order a public hearing on proposed Resolution R04-42 that was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND  
TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE SKIMINO  
HILLS SEWER PROJECT

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R04-42 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON  
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE  
SKIMINO HILLS SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Skimino Hills sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Draper Aden Associates and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 C, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of March, 2004, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Skimino Hills sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated March 2, 2004, and incorporated herein by this reference:

Tax Map No. 2F-7-7-133

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed Permanent 10' Utility Easement and a Proposed 5' Temporary Construction Easement across the Property of Chris R. Hudgins, et ux, Skimino Hills, Section Seven, Lot 133, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 10' Permanent Utility Easement Hereby Conveyed to York County (546 sq. ft.), and a "Proposed 5' Temporary Construction Easement Hereby Conveyed to York County (194 sq. ft.)." Value offered to owner: \$447.00.

Tax Map No. 2F-4-4-102

A permanent utility easement and temporary construction easements as shown on a plat entitled "Compiled Plat Showing a Proposed 20' and 5' Temporary Construction Easement and a Proposed Variable Width Permanent Utility Easement Across the Property of William H. Fisher, et ux, Skimino Hills, Section Four, Lot 102, Bruton Magisterial District, York County, Virginia," dated June 12, 2003, and revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed Variable Width Permanent Utility Easement Hereby Conveyed to York County; 2125 sq. ft.," "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 3365 sq. ft. (Total)," and a "Proposed 5' Temporary Construction Easement Hereby Conveyed to York County; 3365 sq. ft. (Total). Valued offered to owner: \$2,600.00.

Tax Map No. 2F-7-7-119

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 10' Permanent Utility Easement and a Proposed 5' Temporary Construction Easement Across the Property of Thomas R. Bailes, et ux, Skimino Hills, Section Seven, Lot 119, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 10' Permanent Utility Easement Hereby Conveyed to York County (350 sq. ft.), and a "Proposed 5' Temporary Construction Easement Hereby Conveyed to York County (175 sq. ft.)." Value offered to owner: \$283.00.

Tax Map No. 2F-6-6-55

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed 20' Permanent Utility Easement Across the Property of Joseph F. Keene, et ux, Skimino Hills, Section Six, Lot 55, Bruton Magisterial District, York County, Virginia," dated June 13, 2003, and revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County; 759 sq. ft.," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 812 sq. ft." Value offered to owner: \$1,567.00.

Tax Map No. 2F-6-6-44

A permanent utility easement as shown on a plat entitled "Compiled Plat Showing a Proposed Variable Width Permanent Utility Easement Across the Property of John M. Finn, et ux, Skimino Hills, Section Six, Lot 43, Bruton Magisterial District, York County, Virginia," dated June 3, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed Variable Width Permanent Utility Easement Hereby Conveyed to York County; 689 sq. ft." Value offered to owner: \$519.00.

Tax Map No. 2F-8-8-147

A permanent utility easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Permanent Utility Easement Across the Property of Frank H. Schultz, et ux, Skimino Hills, Section Eight, Lot 147, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County (952 sq. ft.)" Value offered to owner: \$486.00.

Tax Map No. 2F-5-5-76

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed 20' Permanent Utility Easement Across the Property of Sara M. Smith, Skimino Hills, Section Five, Lot 76, Bruton Magisterial District, York County, Virginia," dated June 4, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to

York County; 4412 sq. ft.," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 3999 sq. ft." Value offered to owner: \$6,848.00.

Tax Map No. 2F-7-7-115

A temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed Temporary Construction Easement Across the Property of Jesus S. Ombac, et ux, Skimino Hills, Section Seven, Lot 115, Bruton Magisterial District, York County, Virginia," dated August 8, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 10' Temporary Construction Easement Herby Conveyed to York County; 2056 sq. ft." Valued offered to owner: \$833.00.

Tax Map No. 2F-7-7-131

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed Variable Width Permanent Utility Easement Across the Property of Charles C. Crane, Jr., et ux, Skimino Hills, Section Seven, Lot 131, Bruton Magisterial District, York County, Virginia," dated June 10, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed Variable Width Permanent Utility Easement Hereby Conveyed to York County; 10942 sq. ft. (Total)," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 18808 sq. ft. (Total)" Value offered to owner: \$12,653.00.

Tax Map No. 2F-8-8-148

Permanent utility easements and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and Proposed 15' and 20' Permanent Utility Easements Across the Property of Stephen R. Munday, et ux, Skimino Hills, Section Eight, Lot 148, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County (1,036 sq. ft.), "Proposed 15' Permanent Utility Easement Hereby Conveyed to York County (2,431 sq. ft.), and "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County (1,565 sq. ft.)." Value offered to owner: \$2,618.00.

Tax Map No. 2-12-3

A permanent utility easement as shown on a plat entitled "Compiled Plat Showing a Proposed Permanent Utility Easement Across the Property of Estelle B. James Estate, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County (305 sq. ft.)" Value offered to owner: \$206.00.

Tax Map No. 2F-5-5-73

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed 20' Permanent Utility Easement Across the Property of Deloris W. Smith, Skimino Hills, Section Five, Lot 73, Bruton Magisterial District, York County, Virginia," dated June 15, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County; 5383 sq. ft.," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 4876 sq. ft." Value offered to owner: \$8,448.00.

Tax Map No. 2F-5-5-74

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed 20' Permanent Utility Easement Across the Property of James S. Goal-

der, et ux, Skimino Hills, Section Five, Lot 74, Bruton Magisterial District, York County, Virginia," dated June 13, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County; 854 sq. ft.," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 997 sq. ft." Value offered to owner: \$1,248.00.

Tax Map No. 2F-2-24

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed 10' Permanent Utility Easement Across the Property of Anita W. Saunders, Skimino Hills, Section Two, Lot 24, Bruton Magisterial District, York County, Virginia," dated June 3, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 10' Permanent Utility Easement Hereby Conveyed to York County; 1459 sq. ft.," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 7259 sq. ft." Value offered to owner: \$4,092.00.

Tax Map No. 2F-7-7-127

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed Permanent Variable Width Utility Easement and a Proposed Variable Width Temporary Construction Easement Across the Property of Marsha G. Forrest, Skimino Hills, Section Seven, Lot 127, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed Permanent Variable Width Utility Easement Hereby Conveyed to York County (36 sq. ft.)," and a "Proposed Variable Width Temporary Construction Easement Hereby Conveyed to York County (1,049 sq. ft.," Value offered to owner: \$206.00.

Tax Map No. 2F-5-5-77

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 20' Temporary Construction Easement and a Proposed 20' Permanent Utility Easement Across the Property of John P. C. Moon & T. L. Gordon, Skimino Hills, Section Five, Lot 77, Bruton Magisterial District, York County, Virginia," dated June 3, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County; 501 sq. ft.," and a "Proposed 20' Temporary Construction Easement Hereby Conveyed to York County; 596 sq. ft." Value offered to owner: \$301.00.

Tax Map No. 2F-3-3-37

A temporary construction easement as shown on a plat entitled "Compiled Plat Showing a Proposed 5' Temporary Construction Easement Across the Property of Eric V. Schneider, et ux, Skimino Hills, Section Three, Lot 37, Bruton Magisterial District, York County, Virginia," dated June 3, 2003, revised November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 5' Temporary Construction Easement Herby Conveyed to York County; 871 sq. ft." Valued offered to owner: \$192.00.

BE IT STILL FURTHER RESOLVED by the York County Board of Supervisors that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificates to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or

restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd  
Nay: (0)

#### VACATION OF PUBLIC USE EASEMENT

Mr. Barnett gave a presentation on proposed Resolution R04-31 to authorize the execution of appropriate documentation to vacate a portion of a public use easement across 301 Water Street, and to amend the terms and conditions to separate the easement area for construction of a pedestrian walkway and a separate area for shoreline stabilization.

Chairman Shepperd called to order a public hearing on proposed Resolution R04-31 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE APPROPRIATE DOCUMENTATION TO VACATE A PORTION OF A PUBLIC USE EASEMENT LYING ACROSS YORK COUNTY TAX MAP PARCEL 18A-01-00-012F (301 WATER STREET, YORKTOWN) AND TO AMEND THE TERMS AND CONDITIONS OF THE EASEMENT TO SEPARATE THE EASEMENT AREA INTO AN AREA FOR THE CONSTRUCTION OF A PEDESTRIAN WALKWAY AND A SEPARATE AREA FOR SHORELINE STABILIZATION

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R04-31 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE APPROPRIATE DOCUMENTATION TO VACATE A PORTION OF A PUBLIC USE EASEMENT LYING ACROSS YORK COUNTY TAX MAP PARCEL 18A-01-00-012F (301 WATER STREET, YORKTOWN) AND TO AMEND THE TERMS AND CONDITIONS OF THE EASEMENT TO SEPARATE THE EASEMENT AREA INTO AN AREA FOR THE CONSTRUCTION OF A PEDESTRIAN WALKWAY AND A SEPARATE AREA FOR SHORELINE STABILIZATION

WHEREAS, by a deed dated February 28, 2003, recorded as Instrument No. LR030006339, the Jamestown-Yorktown Educational Trust conveyed to the County a certain easement for pedestrian access and shoreline stabilization across certain property in Yorktown, York County, Virginia, being Tax Map Parcel 18A-01-00-012F (GPIN P12C-1839-1866), such easement being approximately 69' wide as shown on a plat dated February 21, 2002 and attached to the referenced deed; and

WHEREAS, the County has agreed to convey, or cause to be conveyed to the Museum the said Parcel 12F subject, however, to separate easements for pedestrian access and shoreline stabilization, having a total width of approximately 60' as shown on a certain plat made by AES Consulting Engineers dated February 27, 2003, attached to the County Attorney's memorandum of February 17, 2004, such easement to be further subdivided into an easement Area A and an easement Area B for the maintenance of the pedestrian walkway and for shoreline stabilization purposes, respectively; and

WHEREAS, this Board, following a duly advertised public hearing in accordance with Code of Virginia § 15.2-1800, desires to authorize the County Administrator to execute docu-

mentation to vacate such portion of the existing easement as lies outside of the easement area as depicted on the plat of February 27, 2003 and referenced herein, and otherwise to agree to divide the easement area as shown on said plat for the purpose as stated herein.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of March, 2004, that the County Administrator be and hereby is authorized to execute such deed, deeds or other documents as may be required to vacate that portion of the easement conveyed to the County by the deed referenced above and recorded as Instrument No. LR030006339 as may lie outside of the boundaries of a revised easement as shown on a certain plat entitled "Plat of Permanent Public Use Easement From: The York County Board of Supervisors, To: County of York, Virginia," dated February 27, 2003, made by AES Consulting Engineers, and to agree further that the remaining easement area shall be subdivided into Areas A and B, Area A as depicted on the referenced plat to be used for the construction of a pedestrian walkway, the use of which shall be subject to rules and regulations adopted by the County, and Area B to be utilized for shoreline stabilization purposes, such area to be open to the public subject, however, to reasonable rules and regulations as may be promulgated by the Watermen's Museum, to whom the underlying parcel is contemplated to be conveyed. Any such deed, deeds, or other documents shall be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd  
Nay: (0)

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett reported that the General Assembly would reconvene tomorrow by order of the Governor. He stated that the Assistant County Attorney would return to on a work part-time status beginning Monday, March 22.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reported that he would attend the Isabel Recovery Day scheduled on March 20 at the Grafton High School complex. He announced that the first foundation for the construction on the waterfront was poured last week, and the Riverwalk Landing construction project web page would soon be added to the web site. The web page will also include a page detailing the funding of the project. He reminded the Board of its work sessions scheduled on March 18, March 23, and April 1, and one tentatively scheduled for April 6 followed by the regularly scheduled meeting. He mentioned that one of the regularly scheduled meetings would fall on October 19, Yorktown Day, and it has now been rescheduled for October 26.

Chairman Shepperd asked for some insight on storm damage permits.

Mr. McReynolds stated the fee for the permits relating to hurricane damage had been suspended, and a draft ordinance has been prepared to bring before the Board as soon as the advertising requirements are met. He then explained how citizens could receive consideration of the fee waiver.

#### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll stated she was appreciative of the emails she has received from citizens during budget discussions. She stated she would like to continue contact with the citizens throughout the year. She explained the Board is looking at all facets of the budget and what is best for the long-term interest of the citizens of the County.

Mr. Bowman shared some of the comments he received regarding the budget at the public hearing. Some of those comments concerned inadequacies in the recent assessments, money spent on the waterfront and new hires, and taxes paid by small businesses. He emphasized

that the Supervisors are here to serve the citizens, and he encouraged the comments to keep coming. He asked for suggestions that the Board may consider, and he reiterated that the Board members are listening to the citizens. Mr. Bowman reminded everyone that the Zweibrücken Student Exchange students would be here March 26 with a reception scheduled in York Hall.

Mr. Burgett expressed his surprise at the assessments and stated he did not anticipate the scope of the assessments. He explained the Supervisors were not responsible for the increase in the assessments since it would be against the law for the Board to influence them in any way. He noted he felt there could be some errors in the assessments due to the large volume of properties assessed, and he is very concerned for those hardest hit by this increase—the retired senior citizens, especially those on the waterfront. He stated the Board members are looking for a solution, and he mentioned the possibility of further tax breaks and a deferral program. He compared the tax rates of neighboring localities with those of York and pointed out the services County citizens have come to expect and the need to keep up with those expectations. He talked about funding for the waterfront construction, grants, tourism taxes, and businesses paying their percentage of taxes. He pointed out that of the \$97 million projected in the budget this year, the business community contributed \$47 million. Mr. Burgett then discussed some of the new positions, including the 12 that are state mandated for the fire department.

Mr. Zaremba reported on the state's budget and indicated that the County hoped to have its budget adopted on April 6. He spoke of the recent public hearing on the budget and the reactions and comments of the citizens. He stated the County expects an overall increase in its revenues, perhaps between 13-14 percent. He mentioned the assessments and stated the County could not do much about those except to make sure that errors are kept to a minimum. He expressed concern with a budget that proposes to spend the full amount of revenue anticipated in FY05, and he stated the expenditures should be held at an increase of 7 percent, even if it means reducing the expected revenues by \$7 million. Mr. Zaremba advised all citizens to stay involved and become active in the deliberations of the Board.

Chairman Shepperd explained the Board is under a lot of pressure during this budget cycle, and he reviewed some of the services that could be eliminated to keep the costs down, yet pointed out how the citizens would suffer from lack of those services. He stated the Board wants to control the quality of life and the growth of the County, making sure the County has good schools, low crime rates, and good community service. He stated the new assessments were tough because many could not afford the exorbitant rates. He explained that the County was a nice place to live, and that people want to live here, but there aren't many homes for sale which leads to a supply and demand issue. Mr. Shepperd compared the tax rates to other communities, and stated the County's rates were not that high. He expressed dismay over the Dillon Rule, and explained that in Virginia it does not allow communities to control their own destiny. He talked about the lack of a Homestead Exemption in this state that can cause localities to increase its prices, forcing people who own property to sell it, and forcing the County to create more development. Mr. Shepperd stated he will hold a District 5 town meeting on April 28 at Tabb Elementary School at 7:00 p.m. to further discuss issues concerning the County. He also noted he had attended the Arbor Day celebration and the Smith Landing waterfront project that is seeking a \$525,000 grant.

### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 6, 7, 8, 9, 10, and 11.

On roll call the vote was:

Yea:	(5)	Noll, Bowman, Burgett, Zaremba, Shepperd
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 6. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

February 10, 2004, Adjourned Meeting

Item No. 7. FAIR HOUSING PRINCIPLES: Resolution R04-37.

A RESOLUTION ENDORSING THE PRINCIPLES OF FAIR  
HOUSING AS SET FORTH IN TITLE 36, CHAPTER 5.1 OF THE  
CODE OF VIRGINIA (1950) AS AMENDED

WHEREAS, the Commonwealth of Virginia has, through Section 36-96.1 of the Code of Virginia (1950, as amended), established a policy to: "provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity and general welfare of all inhabitants of the Commonwealth may be protected and insured"; and

WHEREAS, Section 36-96.8 et.seq., of the Code of Virginia (1950 as amended) empowers the Virginia Real Estate Board to receive complaints and conduct investigations of alleged violations of the Fair Housing Law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of March, 2004, that the Board does hereby reaffirm its endorsement of the principles of the Virginia Fair Housing Law and does hereby state that it is the policy of the York County Board of Supervisors that said principles are, and continue to be, adhered to in this County.

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT: WOODS ON MANSION ROAD: Resolution R04-41.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE  
COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DE-  
VELOPMENT KNOWN AS WOODS ON MANSION ROAD, AND  
AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC  
SEWER EXTENSION AGREEMENT

WHEREAS, Harrison & Lear Land Corporation has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve forty-eight new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$110,400.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of March, 2004, that the Board approves the extension of the County's public sewer



system to serve the proposed development, Woods on Mansion Road, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Harrison & Lear Land Corporation for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. EXTENSION OF SPECIAL USE PERMIT: BERRANE ENTERPRISES, INC.: Resolution R04-44.

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A  
PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZ-  
ING A ONE-YEAR EXTENSION OF THE DEADLINE FOR ESTAB-  
LISHING THE SPECIAL USE

WHEREAS, Berrane Enterprises, Inc., submitted Application No. UP 571-01, which requested a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize a 34,900-square foot mini-storage warehouse facility on a 5.83-acre parcel located at 905 Denbigh Boulevard (Route 173) approximately 917 feet east of the Newport News city line and further identified as Assessor's Parcel No. 28-(1)-A; and

WHEREAS, on April 17, 2001, the York County Board of Supervisors approved said application through the adoption of Resolution No. R01-64(R); and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, through the adoption of Resolution No. R03-79(R), the Board of Supervisors authorized an extension of the use permit term to May 5, 2004; and

WHEREAS, Berrane Enterprises, Inc., has submitted Application No. UP-635-04, which requests to amend the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing an additional extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of March, 2004, that Application No. UP-635-04, be, and it is hereby, approved to authorize an additional one-year extension of the deadline for establishing the special use originally approved through the adoption of Resolution No. R01-64(R).

BE IT FURTHER RESOLVED that failure to establish said special use in accordance with the provisions set forth in Section 24.1-115(c)(1) of the Zoning Ordinance within one (1) year from the date of adoption of this resolution shall cause the permit to terminate automatically.

Item No. 10. PURCHASE AUTHORIZATION: Resolution R04-45.

A RESOLUTION TO AUTHORIZE PROCUREMENT OF AUDIT  
SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

March 16, 2004

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of March, 2004, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements with Cherry, Bekaert & Holland for the following:

Audit Services - FY2004	<u>AMOUNT</u> \$59,000
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Item No. 11. YORKTOWN VILLAGE ACTIVITY DISTRICT ACCESSORY STRUCTURE APPROVAL: Resolution R04-46.

A RESOLUTION TO APPROVE THE REQUEST OF AWILDA RIVERA FOR THE CONSTRUCTION OF AN ACCESSORY STORAGE SHED ON PROPERTY LOCATED AT 106 PULASKI STREET IN YORKTOWN

WHEREAS, Awilda Rivera has submitted an application requesting permission to install an accessory storage shed on property located at 106 Pulaski Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the Board has determined that the location and design of the proposed shed will be compatible with adjacent properties and structures.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of March, 2004, that the request of Awilda Rivera for the installation of an accessory storage shed on property located at 106 Pulaski Street, as described in the County Administrator's report to the Board dated March 4, 2004, be, and it is hereby, approved.

**CLOSED MEETING.** At 9:35 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd  
Nay: (0)

Meeting Reconvened. At 9:42 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of March, 2004, hereby certifies that, to the best of each member's knowledge, (1)

only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd  
Nay: (0)

Meeting Adjourned. At 9:46 p.m. Mrs. Noll moved that the meeting be adjourned to 6:00 p.m., Thursday, March 18, 2004, in the East Room, York Hall, for the purpose of conducting a work session on the proposed Fiscal Year 2005 Budget.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors